



UNITED STATES PATENT AND TRADEMARK OFFICE

pw

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,389	06/27/2001	Hiroyuki Kimura	35.C15501	4403
5514	7590	05/04/2005	EXAMINER	
Fitzpatrick Cellar Harper & Scinto 30 Rockefeller Plaza New York, NY 10112			AZAD, ABUL K	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,389	KIMURA ET AL.	
	Examiner	Art Unit	
	ABUL K. AZAD	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-131 is/are pending in the application.
- 4a) Of the above claim(s) 50-111 and 118-131 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-49 and 112-117 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on November 29, 2004 is acknowledged.

The examiner has regrouped the claims as follows based on the applicant's arguments.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-49 and 112-117, drawn to a voice synthesizing apparatus/method for detecting overlap and outputting them in different volume, classified in class 704, subclass 260.
 - II. Claims 50-87, drawn to a voice synthesizing apparatus/method for voice synthesizing a plurality of text data with different kinds of voices and outputting them from different uttering means, classified in class 704, subclass 268.
 - III. Claims 88-90, 96-98, 104-106, 119, 122, 123, 125, 128, 129, 130 and 131, drawn to a voice synthesizing apparatus/method for upping the reproduction speed of the voice waveform, classified in class 704, subclass 264.
 - IV. Claims 91-95, 99-103, 107-111, 118, 120, 121, 124, 126, 127, 130 and 131, drawn to a voice synthesizing apparatus/method for reproducing synthesis waveform or a predetermined blank period after the termination

of a reproduction of a preceding waveform, classified in class 704,
subclass 266.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions Groups I to IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of each Group has separate utility such as detecting overlap and outputting them in different volume, synthesizing a plurality of text data with different kinds of voices and outputting them from different uttering means, upping the reproduction speed of the voice waveform and reproducing synthesis waveform or a predetermined blank period after the termination of a reproduction of a preceding waveform. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II to Group IV, restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
6. During a telephone conversation with Mr. Douglas W. Pinsky (Reg. No. 46,994) on April 20, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-49 and 112-117. Affirmation of this election must be made by applicant in replying to this Office action. Claims 50-111 and 118-131

Art Unit: 2654

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 9-15, 18-24, 27-49 and 112-117 are rejected under 35 U.S.C. 102(e) as being anticipated by Fishman et al. (US 6,574,600).

As per claim 1, Fishman teaches, "a voice synthesizing apparatus for converting text data into a synthetic voice and outputting it", characterized by

"voice waveform generating means for generating the voice waveform of said text data" (Figures 4-6);

"overlap detecting means for detecting the overlap of the voice outputs of a plurality of said text data" (col. 3, lines 31-40); and

"voice output means for voice-synthesizing and outputting the voice waveforms generated from said text data of which the overlap has been detected in different volumes" (section, Comment Delivery Using Volume Control and Figure 7).

As per claim 2, Fishman teaches, "said voice output means determines the volume of the synthetic voice concerned with said plurality of text data on the basis of the priority of said plurality of text data" (col. 8, lines 50-67).

As per claim 3, Fishman teaches, "characterized by the provision of importance setting means for setting the importance of said plurality of text data" (col. 9, lines 6-15).

As per claim 4, Fishman teaches, "characterized in that said importance can have its desired level selected from among a plurality of preset levels" (col. 9, lines 6-15).

As per claim 5, Fishman teaches, "characterized by the provision of display means and display control means for controlling said display means so as to display a setting screen for setting said importance in response to the output of said overlap detecting means" (col. 9, lines 16-37).

As per claim 6, Fishman teaches, "characterized by the provision of receiving means for receiving said plurality of text data and priority data indicative of the priority of said plurality of text data from the outside of the apparatus" (col. 3, lines 16-24).

As per claim 9, Fishman teaches, "characterized in that said voice output means is capable of effecting the setting of allotting a particularly great volume to the text data of particularly high importance" (Figure 7).

As per claims 10-15, 18-24, 27-49, 112-117, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-6 and 9.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 8, 16, 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman et al. (US 6,574,600) as applied to claims 1, 10 and 19 above, and further in view of Well-known prior art.

As per claims 7, 8, 16, 17, 25 and 26, Fishman teaches to control volume of the output speech based on the priority value calculated, however does not explicitly teach to calculate priority value based on the probability of importance. Official Notice is taken on the probability calculation of the importance of the message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to calculate probability of importance and control the volume based on the importance of the message because one of ordinary skill in the art would readily recognize that provides statistically correct calculation to determine importance of the message.

Art Unit: 2654

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABUL K. AZAD whose telephone number is (571) 272-7599. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHMOND DORVIL can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ABUL K. AZAD
Primary Examiner
Art Unit 2654

April 27, 2005